



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Todd H. YOUNG

Application No.: 10/081,781

Filed: 20 February 2002

For: GUARD FOR PROTECTING  
PAINTER'S THUMB

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Confirmation No.: 2719

Group Art Unit: 3765

Examiner: Moran, K.

**MAIL STOP AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM**

Sir:

1. Transmitted herewith is an Amendment in response to the Office Action dated 31 December 2003 (Paper No. 8), in view of the Advisory Action dated 27 April 2004.
2. Additional papers enclosed:

Terminal Disclaimer  
 Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application  
 Drawings:  Formal  Informal  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$55.00.

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	10	minus	20	0	x \$18 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	5	0	x \$84 each =	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- No fee is to be paid at this time.
- The Commissioner is hereby authorized to charge Deposit Account No. 50-3010 in the amount of \$55.00 for a one month extension of time.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: 30 April 2004

By:

  
\_\_\_\_\_  
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**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116**

Sir:

In response to 1) the final Office Action mailed 31 December 2003, and 2) the Advisory Action mailed 27 April 2004, the period for reply to which is extended one-month through 30 April 2004, please amend the application as follows so as to place the application in clear condition for allowance or, alternatively, in better form for appeal.